

## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

### FOR OFFICIAL USE ONLY:

SSD 201 7 - 54

Acceptance Date:	6.2.17
Website Posting Date:	6.6.17
Determination Date:	6.2.17
Planning Commission Date:	6.13.17
Expiration Date:	6.13.18
Planner Assigned:	JL/AW

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	Edward Bittner <i>Peter Courture, owner</i>
Mailing Address:	P.O. Box 456
Phone:	808 822 4053
Email:	ed@bittnerconstruction.com
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an <b>unexpired and recorded</b> lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: 11-2-16	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	Hanalei
Tax Map Key(s):	5-5-10:63
Land Area:	7984 sf
Nature of Development: (Description of proposed structure or subdivision)	Fence

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,  
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

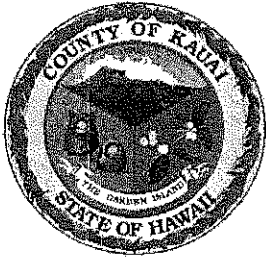
### Part A

#### Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☐ Properties Abutting the Shoreline  
☐ Project's approximate distance from shoreline: \_\_\_\_\_
- ☒ Properties Not Abutting the Shoreline  
☒ Project's approximate distance from shoreline: 500'
- ☒ Additional Information:  
☒ Closest distance of improvement(s) from Shoreline is approximately 500' ft.  
☒ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

Hanalei Pavilion County Park, Weke Rd., and a Single family residence



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Planner Assigned:	

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

Flat

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

Sandy Beach

- ☐ Artificially armored Shoreline
- ☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): \_\_\_\_\_
- ☐ Is the armoring permitted/authorized? \_\_\_\_\_
- ☐ Date of authorization (attach copy of authorization letter): \_\_\_\_\_
- ☒ Is property in coastal floodplain (if checked, what zone)? Flood Zone VE
- ☒ Has this property been subject to coastal hazards in the past? (If checked, please describe)

None that I am aware of

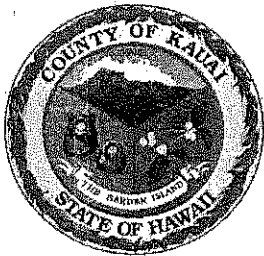
If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

## Applicant's Signature

*Edward B. Hume* 11-2-16  
Signature Date

Applicability (to be completed by Planning Department)	
<input checked="" type="checkbox"/>	Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.
<u><i>[Signature]</i></u>	<u>6/2/17</u>
Planning Director or designee	Date



## PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

### **Part B**

#### **Exemption Determination**

☐ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))

☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.



**Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.



**Exemption 3**

Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)



Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

**Exemption Determination (to be completed by Planning Department)**

Pursuant to §8-27.3 the Kāua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

Planning Director or designee

Date

6/2/17



Google Earth

feet  
meters



PROJECT SITE

Peter Courture Trust  
PO Box 3692  
Los Altos CA 94024

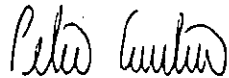
20 March 2016

Re; 5108 Opelu, Hanalei  
TMK #4-5-5-010-063

Dear Federal, State, County, and City

Ed Bittner and Bittner Construction are authorized to file for and pull all necessary permits and take all actions reasonably necessary in that regard with respect to 5108 Opelu, Hanalei, TMK #4-5-5-010-063.

Best regards

A handwritten signature in black ink, appearing to read "Peter Courture". The signature is written in a cursive, flowing style.

Peter Courture, Trustee

PILIKOA ST.

AS-BUILT 6' FENCE 50'

MODIFY FENCE 60'

AS-BUILT SIDEWALK 68' x 3'

N

B-1

EX. HOUSE

EX. LANAI

EX  
ELECTR

EX. DRIVEWAY

EX. LANAI

EX BOAT  
GARAGE

EX. WED

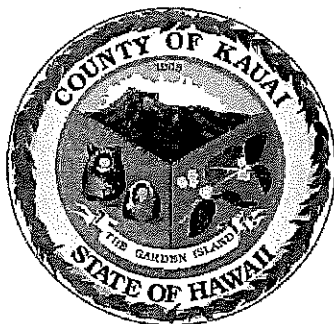
PROPOSED  
SIDEWALK 27' x 3'

PROPOSED  
SIDEWALK 24' x 3' →

NORTH  
1" = 10'  
1/8"

**FILE TOO LARGE TO SCAN**

**RECORD ON FILE AT PLANNING  
DEPARTMENT**



## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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Acceptance Date:	<u>6-2-17</u>
Website Posting Date:	<u>6-6-17</u>
Determination Date:	<u>1-2-17</u>
Planning Commission Date:	<u>N/A</u>
Expiration Date:	<u>6-2-20</u>
Planner Assigned:	<u>Xe/AN</u>

**Instructions:** File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know that your parcel will require a Certified Shoreline Survey, due to the proximity to the shoreline. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant: <u>SIMON POTTS</u>	
Mailing Address: <u>P O BOX 1094</u> <u>KILAUEA HI 96754</u>	Phone: <u>808 651 1039</u> Email: <u>SIMON.POTTS@me.com</u>
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an <b>unexpired and recorded</b> lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District: <u>HANALEI</u>	Tax Map Key(s): <u>(4) 5-5-004-032</u> Land Area: <u>8462 sq ft.</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>CHANGE OF USAGE FROM GARAGE/WORKSHOP</u> <u>ADU. INSTALL FIRE SPRINKLERS + ELEC PLUGS.</u>

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,  
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

### Part A

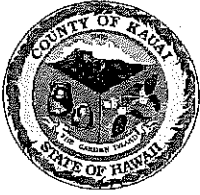
#### Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- Property is Abutting the Shoreline  
☐ Proposed project's approximate distance from shoreline (based on aerial map): \_\_\_\_\_ ft.
- Property is Not Abutting the Shoreline  
☒ Proposed project's approximate distance from shoreline (based on aerial map): 450-500 ft.
- Additional Information:  
☐ Shoreline Change (Erosion/Accretion) Rate: \_\_\_\_\_ ft./year (HANALEI BAY)  
(Information available here: [www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html](http://www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html))  
☒ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

PROPERTY HAS WERE RD, A PROPERTY ACROSS THE ROAD  
AND BEACHPARK BETWEEN SHORELINE + PROPERTY.





## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

- ☐ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

FLAT

- ☐ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

SANDY/Soil.

- ☐ Artificially armored Shoreline.

☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): \_\_\_\_\_

☐ Is the armoring permitted/authorized? \_\_\_\_\_

☐ Date of authorization (attach copy of authorization letter): \_\_\_\_\_

- ☐ Is property in coastal floodplain (if checked, what zone)? NO

- ☐ Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?

NO

### PLEASE NOTE:

Any misrepresentation of information in this shoreline setback application will result in revocation of this determination and may result in fines and criminal prosecution.

Applicant's Signature

Signature

Date

5/29/2017

### Applicability (to be completed by Planning Department)

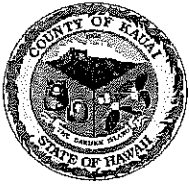
☒ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.

☐ Setback Determination is NOT necessary. Requirements of Ordinance No. 979 are not applicable.

Planning Director or designee

Date

6/2/17



## PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

### **Part B**

- ☐ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))
- ☐ An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.
- ☐ A detailed Plot Plan to scale with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc.
- ☐ Building Permit Number (If building plans submitted)

### **Exemption Determination**

- ☐ **Exemption 1**  
In cases where the proposed structure or subdivision satisfies the following four criteria:
  - (A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;
  - (B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;
  - (C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and
  - (D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.
- ☒ **Exemption 2**  
In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.
- ☐ **Exemption 3**  
Those structures and uses found exempt in Table 3 (§8-27.7) including repairs and renovations that **DO NOT** enlarge or expand a nonconforming structure. (see pg. 7)
  - ☐ Letter from the Department of Public Works stating that the proposed project does **not** constitute "Substantial Improvement," pursuant to §8-27.2 (If applicable, will require valuation of project)

### **Exemption Determination (to be completed by Planning Department)**

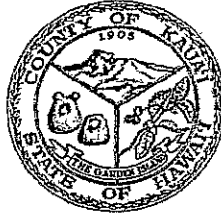
- ☒ Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.
- ☐ Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)

\_\_\_\_\_  
Planning Director or designee

6/12/17  
\_\_\_\_\_  
Date

- ☐ Additional comments/conditions:

**Bernard P. Carvalho, Jr.**  
Mayor



**Michael A. Dahilig**  
Director of Planning

**Gary K. Heu**  
Managing Director

**Dee M. Crowell**  
Deputy Director of Planning

**PLANNING DEPARTMENT**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite A-473, Lihue, Hawai'i 96766  
TEL (808) 241-4050 FAX (808) 241-6699

**AUG 21 2013**

SIMON POTTS  
PO Box 1094  
Kilauea, Hawai'i 96754

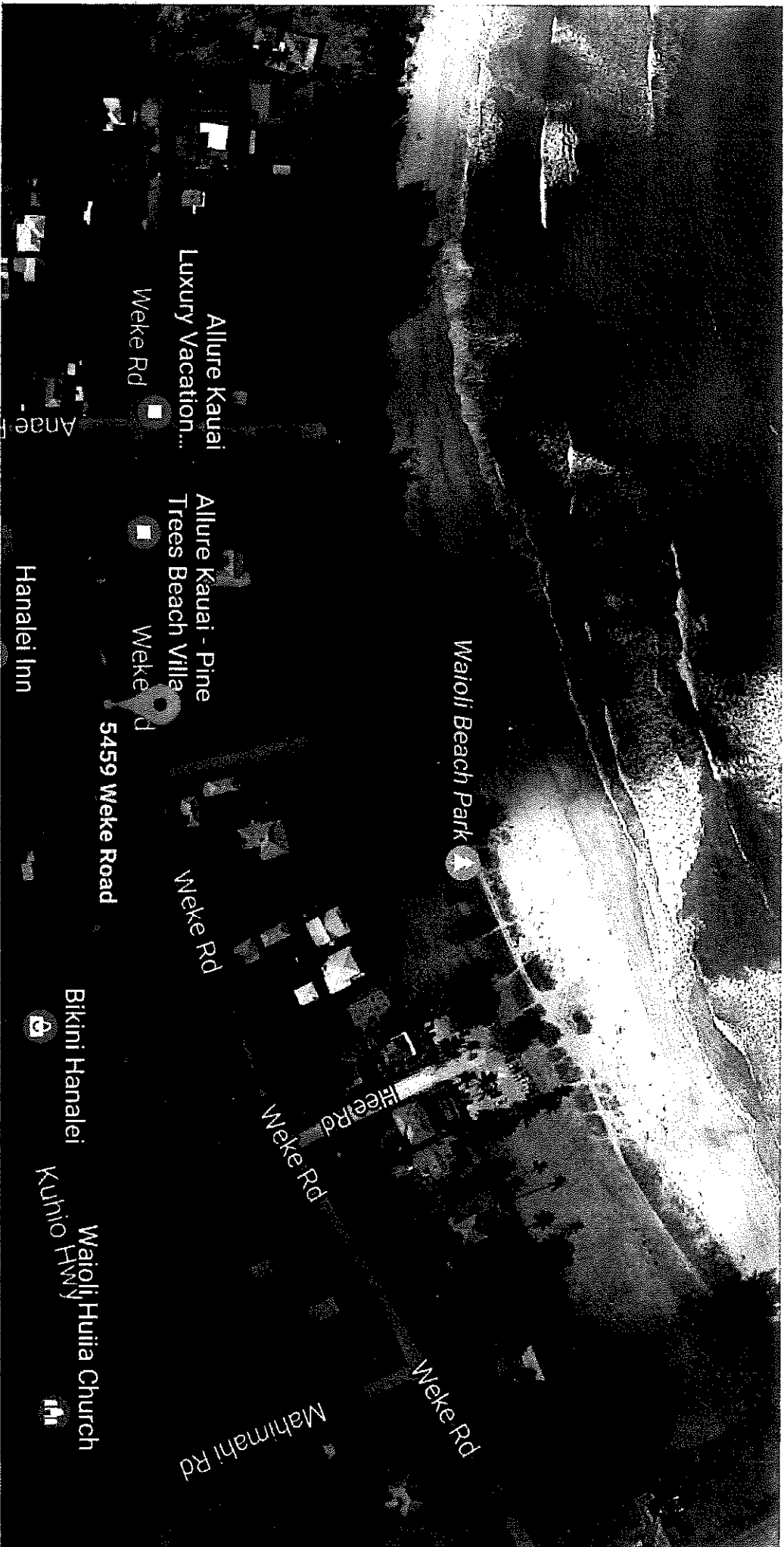
Subject: Shoreline Setback Determination SSD-2014-06  
TMK: (4) 5-4-004:032, Hanalei, Kaua'i  
SIMON POTTS, Applicant

In accordance with Section 8-27 of the Kaua'i County Code (1987), as amended, this is to inform you that the department has processed your Shoreline Setback Application and determined that the proposed development will not be affected by coastal development standards noted in Ordinance No. 887.

However, please be advised that further evaluation, requirements, and approvals from pertinent government agencies may also be required prior to development of this property. Should there be any questions, please contact Planner Dale A. Cua of my staff at (808) 241-4050.

  
MICHAEL A. DAHILIG  
Director of Planning

*An Equal Opportunity Employer*



Waioli Beach Park

Allure Kauai  
Luxury Vacation...

Weke Rd

Allure Kauai - Pine  
Trees Beach Villa

Weke Rd

5459 Weke Road

Hanalei Inn

Weke Rd

Weke Rd

Weke Rd

Mahimahi Rd

Bikini Hanalei

Waioli Huiia Church

Kuhio Hwy

Note:  
Waste disposal system as per  
engineering and jurisdictional  
requirements

10' setback area

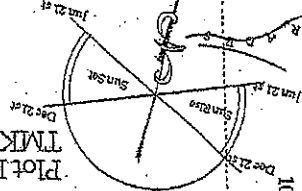
25'

10' setback area

SIMON POTTS  
Plot Plan 1" = M.T.S.  
TMK 4-5-5-4-32

Landscape Area

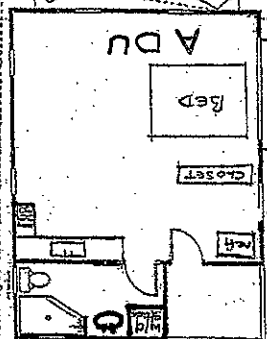
existing low rock wall



10' setback area

124.09

134.67



5' setback area

Riser Detail

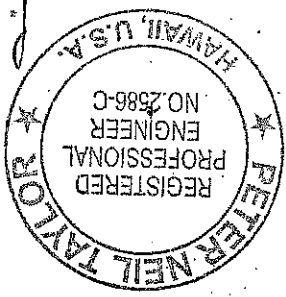
1" slope to  
COUNTY WIDE LINES

COUNTY DOW

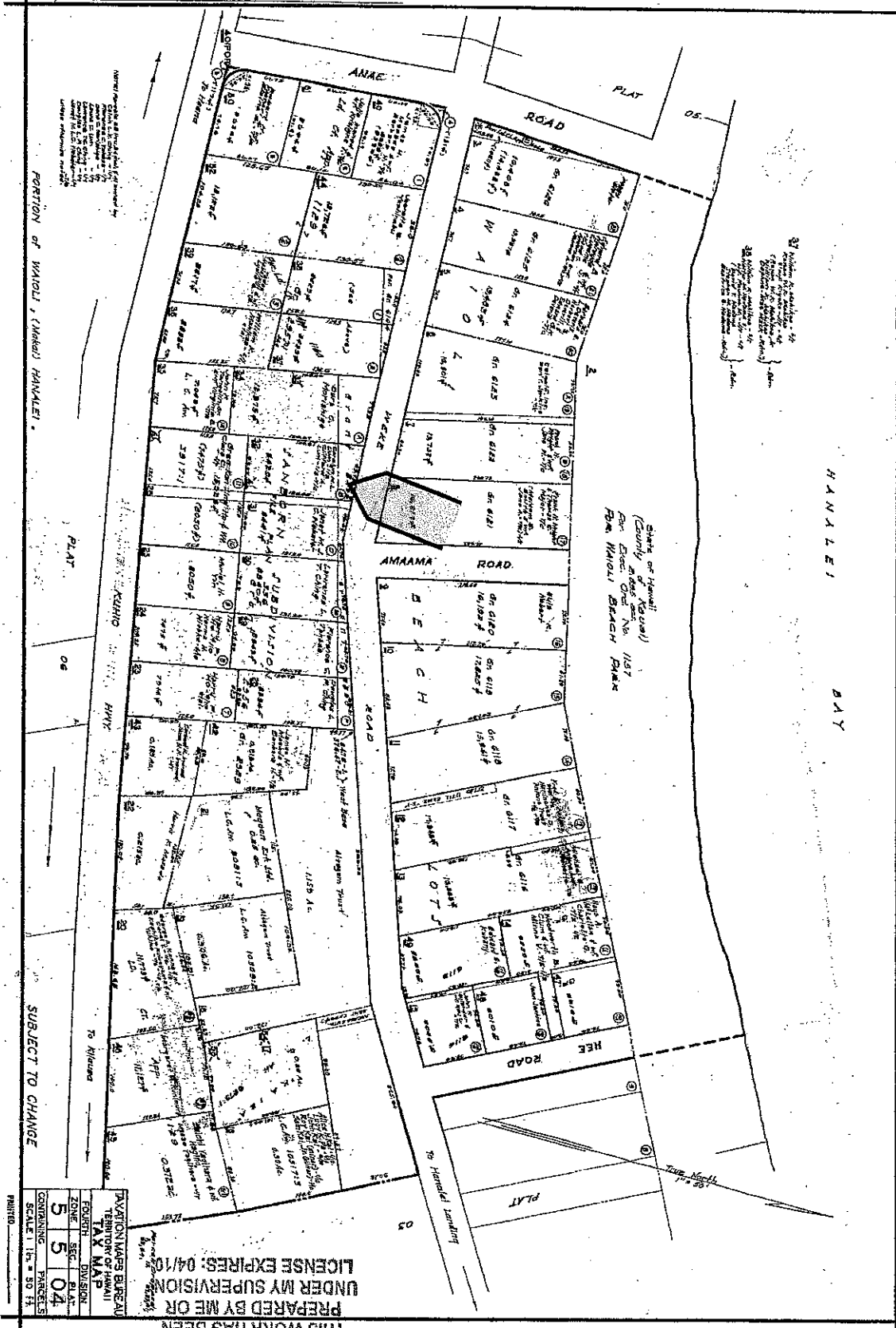
12040

WEEK 6

THIS WORK HAS BEEN  
PREPARED BY ME OR  
UNDER MY SUPERVISION.  
LICENSE EXPIRES: 04/10



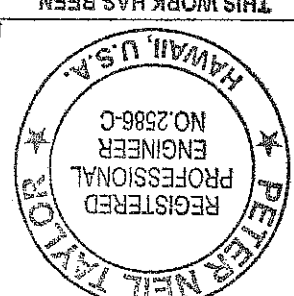
Dwg. No. : 3075  
Source : Registered Map 2543  
By : R.E.G.J.C. Nov., 1936.

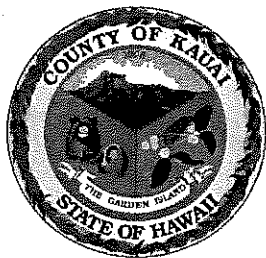


TAXATION MAPS BUREAU			
TERRITORY OF HAWAII			
TAX MAP			
FOURTH	DIVISION		
ZONE	SEC.	PLAT.	
5	5	04.	
CONTAINING	PARCELS		
SCALE 1 in. = 50 ft.			

PRINTED \_\_\_\_\_

PREPARED BY ME OR  
UNDER MY SUPERVISION  
LICENSE EXPIRES: 04/10





## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201 <u>7</u> - <u>56</u>	
Acceptance Date:	<u>6.2.17</u>
Website Posting Date:	<u>6.6.17</u>
Determination Date:	<u>6.2.17</u>
Planning Commission Date:	<u>6.13.17</u>
Expiration Date:	<u>6.13.20</u>
Planner Assigned:	<u>JG/AW</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant: <b>LAU FAMILY TRUST</b>	
Mailing Address: 4218 PUU PINAO ST. LAWAI, HI 96765	Phone: (808) 346-2033 Email: <u>dmurata@hawaiiantel.net</u>
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an <b>unexpired and recorded</b> lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District: <u>RESIDENTIAL DIST. R-4</u>	Tax Map Key(s): <u>(4) 2-8-018: 004</u>
	Land Area: <u>12,404 S.F.</u>
Nature of Development: (Description of proposed structure or subdivision)	<b>NEW 2 STORY, 3 BEDROOM/3 1/2 BATH SINGLE FAMILY RESIDENCE.</b>

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,  
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

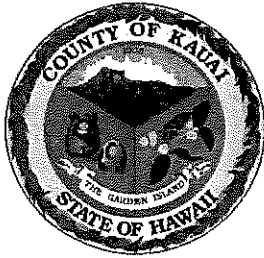
### Part A

#### Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☐ Properties Abutting the Shoreline  
☐ Project's approximate distance from shoreline: \_\_\_\_\_
- ☒ Properties Not Abutting the Shoreline  
☒ Project's approximate distance from shoreline: +/- 302'
- ☒ Additional Information:  
☒ Closest distance of improvement(s) from Shoreline is approximately 302 ft.  
☐ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

TMK: 2-8-018: 001 AND TMK: 2-8-018: 020 (PR. OF POIPU BEACH PARK)



## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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Determination Date: \_\_\_\_\_

Planning Commission Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Planner Assigned: \_\_\_\_\_

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

FLAT

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

SANDY BEACH (BRENNECKE'S) ROCKY SHORELINE TO THE EAST

- ☐ Artificially armored Shoreline
- ☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): \_\_\_\_\_
- ☐ Is the armoring permitted/authorized? \_\_\_\_\_
- ☐ Date of authorization (attach copy of authorization letter): \_\_\_\_\_
- ☒ Is property in coastal floodplain (if checked, what zone)? AE 14
- ☐ Has this property been subject to coastal hazards in the past? (If checked, please describe)

If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

### Applicant's Signature

*James H. Hunt*

5-31-2017

Signature

Date

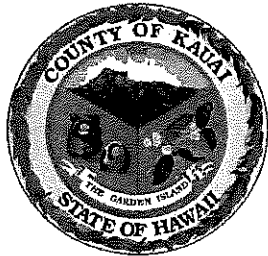
### Applicability (to be completed by Planning Department)

- ☒ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.

*[Signature]*  
Planning Director or designee

4/2/17  
Date





## PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

### **Part B**

#### **Exemption Determination**

☐ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))

☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☒ **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

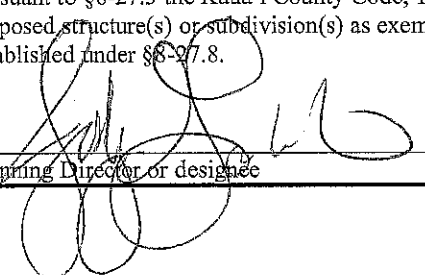
☐ **Exemption 3**

Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)

☐ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

#### **Exemption Determination (to be completed by Planning Department)**

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

  
Planning Director or designee

  
Date

## **LIST OF EXHIBITS SSD**

- A) LETTER OF AUTHORIZATION**
- B) TMK/LOCATION MAP**
- C) SITE PLAN**
- D) COST ESTIMATE**
- E) PROPOSED PLANS**
- F) COASTAL EROSION MAP**
- G) FLOOD MAP**
- H) DISTANCE MAP**

April 28, 2017

TO: COUNTY OF KAUAI  
STATE OF HAWAII

RE: LAU FAMILY TRUST  
PROPOSED RESIDENCE  
TMK: 2-8-018: 004

Dear Sir,

Please be informed that Avery H. Youn, Architect and/or Darren Murata is hereby authorized to apply for all permits relating to the construction of a 2-story residence on the above subject property, to include building, zoning, Special Management Area and other permit required. And to process these applications before the Planning Commission, the County of Kauai and State of Hawaii review agencies.

By *Elorgu Lau*  
*Lau Family Trust Trustee*  
For the Lau Family Trust

**EXHIBIT A**  
**LETTER OF AUTHORIZATION**

Murata General Contractor, LLC  
4218 Puu Pinao Place  
Koloa, Kauai, HI 96756  
Cell: 808.346.2033  
Phone: 808.742.2314

Submitted to: L&M Poipu, LLC

Date: May 21, 2017

Street: 4218 Puu Pinao Place

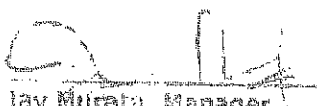
City, State: Koloa, Kauai, HI

Material and Labor to construct New Single Family Residence per AG Design plans and specifications.

Total Construction cost not to exceed \$ 635,000.00

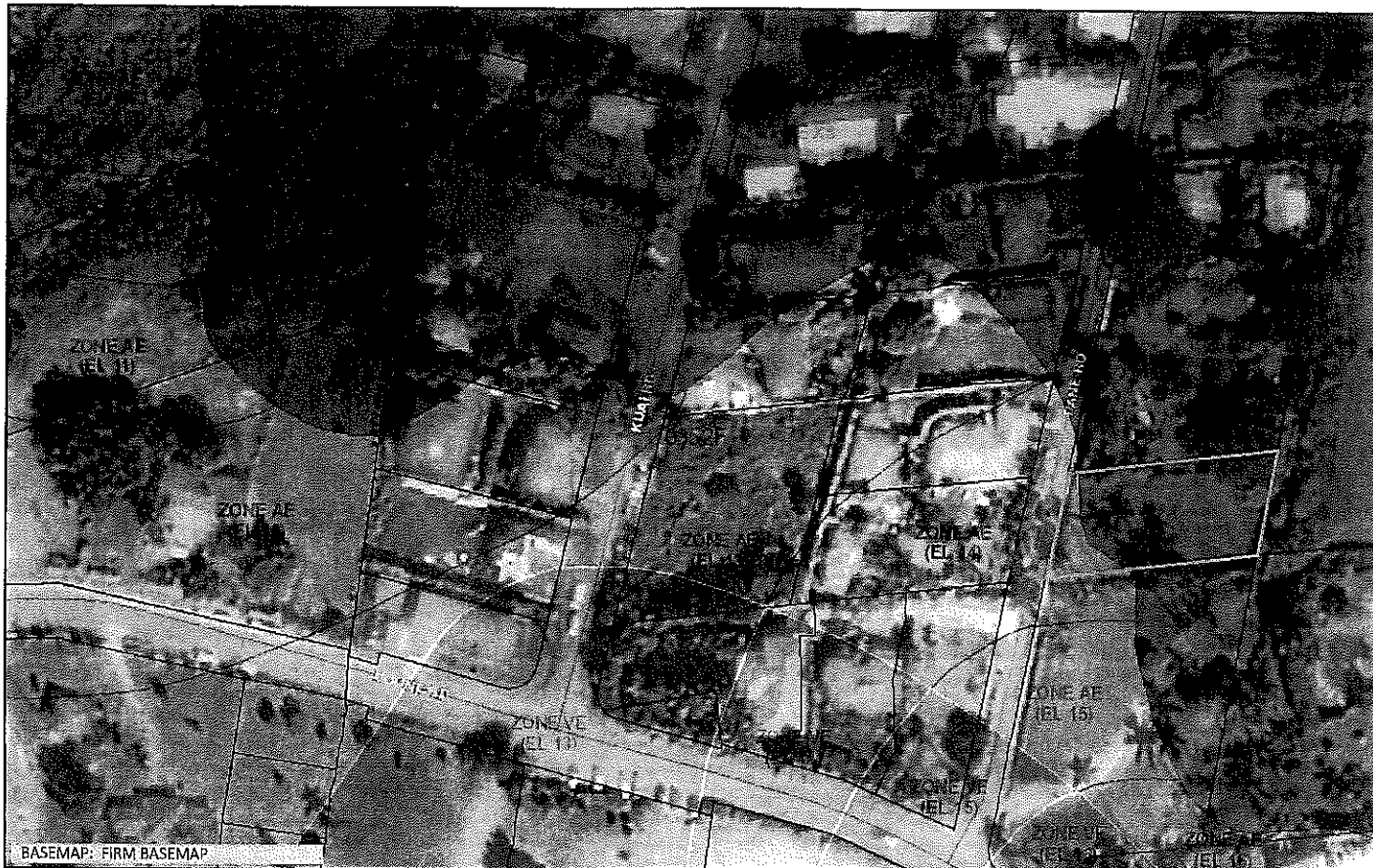
All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practice. Any alteration from above specifications involving extra costs, will be executed only upon written order, and will become an extra charge in excess of and above the agreements contingent upon strikes, accident or delays beyond our control.

Authorized by:

  
Jay Murata, Manager

Date:

**EXHIBIT D**  
**COST ESTIMATE**



## Flood Hazard Assessment Report

www.hawaiiinfip.org

LAU FAMILY TRUST

### Property Information

COUNTY: KAUAI  
TMK NO: (4) 2-8-018:004  
WATERSHED: WAIKOMO  
PARCEL ADDRESS: PANE RD  
KOLOA, HI 96756

### Notes:

### Flood Hazard Information

FIRM INDEX DATE: NOVEMBER 26, 2010  
LETTER OF MAP CHANGE(S): NONE  
FEMA FIRM PANEL: 1500020352F  
PANEL EFFECTIVE DATE: NOVEMBER 26, 2010

THIS PROPERTY IS WITHIN A TSUNAMI EVACUATION ZONE: YES  
FOR MORE INFO, VISIT: <http://www.scd.hawaii.gov/>

THIS PROPERTY IS WITHIN A DAM EVACUATION ZONE: YES (KA-0099)  
FOR MORE INFO, VISIT: <http://dlhreg.hawaii.gov/dam/>



0 100 200 ft

**Disclaimer:** The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of its data or information.

If this map has been identified as 'PRELIMINARY', please note that it is for informational purposes only and is not to be used for flood insurance rating. Contact your county for more information on how to be used for compliance with local floodplain management regulations.

### FLOOD HAZARD ASSESSMENT TOOL LAYER LEGEND

(Note: legend does not correspond with NFHL)

**SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD** - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

	Zone A: No BFE determined.
	Zone AE: BFE determined.
	Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
	Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
	Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
	Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
	Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

**NON-SPECIAL FLOOD HAZARD AREA** - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

	Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
	Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

### OTHER FLOOD AREAS

	Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase applies, but coverage is available in participating communities.
--	--

**EXHIBIT G**  
**FLOOD MAP**

**AVERY YOUN, ARCHITECT**  
**4-1579 KUHIO HIGHWAY**  
**STE. 211**  
**KAPAA, HAWAII 96746**  
PH. (808) 246 9414  
avery@averyyoun.com

June 1, 2017

Mr. Michael Dahilig, Director  
Planning Department  
County of Kauai

RE: LAU FAMILY TRUST RESIDENCE  
TMK: 2-8-18: 04  
Poipu Kauai, Hawaii

Dear Sir,

Submitted herewith is a request for a Shoreline Setback Determination (SSD) and Special Management Area Use Permit for the development of an additional dwelling unit on the above subject lot. A main residence is currently under construction on the lot and an SMA major permit is being requested since the project cost for the additional residence will exceed \$500,000.00.

Since the project site is separated from the shoreline by another lot and a roadway (Poipu Beach Road), with Brennecke Beach Park beyond, we request a determination be made through the SSD to waive the provision of a certified shoreline survey.

Should there be any questions or further clarification needed, I can be reached at 639 7999.

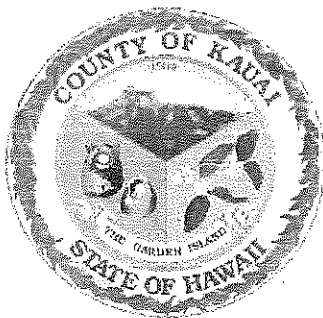
Respectfully submitted,



Avery Youn, Architect  
Authorized Agent

**FILE TOO LARGE TO SCAN**

**RECORD ON FILE AT PLANNING  
DEPARTMENT**



## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD	201 <u>7</u> - <u>57</u>
Acceptance Date:	<u>6.2.17</u>
Website Posting Date:	<u>6.6.17</u>
Determination Date:	<u>6.2.17</u>
Planning Commission Date:	<u>6.13.17</u>
Expiration Date:	<u>6.13.20</u>
Planner Assigned:	<u>JLP/AW</u>

**Instructions:** File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know that your parcel will require a Certified Shoreline Survey, due to the proximity to the shoreline. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	County Of Kauai Department of Parks and Recreation c/o Palms Hawaii Architecture
Mailing Address:	2970 Kele St. Suite 115 Lihue, HI 96766
Phone:	808-246-4796
Email:	jon@palms-hawaii.com
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an <b>unexpired and recorded</b> lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	AG / O-STP
Tax Map Key(s):	TMK #: (4) 2-006-003:058
Land Area:	105,894 sf / 2.431 acres
Nature of Development: (Description of proposed structure or subdivision)	Repair, replacement and reconstruction of existing structures and facilities located at Spouting Horn Park. The project scope includes the relocation and reconstruction of eight (8) vendor booths concession area and comfort station repairs and improvements. As well as defining a picnic area and addition of 2 food trucks to park facility.  Initial permits Z-734-86 / SMA (m) -86-29

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,  
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

### Part A

#### Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- Property is Abutting the Shoreline  
☐ Proposed project's approximate distance from shoreline (based on aerial map): \_\_\_\_\_ ft.
- Property is Not Abutting the Shoreline  
☒ Proposed project's approximate distance from shoreline (based on aerial map): 140' (Existing) 260' (Proposed)
- Additional Information:  
☐ Shoreline Change (Erosion/Accretion) Rate: \_\_\_\_\_ ft./year  
(Information available here: [www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html](http://www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html))  
☒ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:  
\_\_\_\_\_





## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

Parcel 19 (the actual spouting horn) is a rocky outcropping directly in front of and below the park.

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

The Topography is relatively flat with a gradual slope from the comfort station (44' msl) to the Spouting Horn lookout. (36' msl)

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

The grass covers the park to the edge of the parcel where bushes create a natural boundary then a long rocky shoreline.

- ☐ Artificially armored Shoreline

☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): \_\_\_\_\_

☐ Is the armoring permitted/authorized? \_\_\_\_\_

☐ Date of authorization (attach copy of authorization letter): \_\_\_\_\_

- ☒ Is property in coastal floodplain (if checked, what zone)? Zone X

- ☒ Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?

No however it is located in a Tsunami Zone and Dam Evacuation Zone

### PLEASE NOTE:

Any misrepresentation of information in this shoreline setback application will result in revocation of this determination and may result in fines and criminal prosecution.

Applicant's Signature

Signature

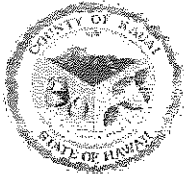
Date

### Applicability

- ☒ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.
- ☐ Setback Determination is NOT necessary. Requirements of Ordinance No. 979 are not applicable.

Planning Director or designee

Date



## PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

### Part B

- ☒ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))
- ☒ An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.
- ☒ A detailed Plot Plan to **scale** with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc.
- ☐ Building Permit Number (If building plans submitted)

### Exemption Determination

#### ☒ Exemption 1

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

#### ☒ Exemption 2

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

#### ☐ Exemption 3

Those structures and uses found exempt in Table 3 (§8-27.7) including repairs and renovations that **DO NOT** enlarge or expand a nonconforming structure. (see pg. 7)

- ☐ Letter from the Department of Public Works stating that the proposed project does **not** constitute "Substantial Improvement," pursuant to §8-27.2 (If applicable, will require valuation of project)

### Exemption Determination (to be completed by Planning Department)

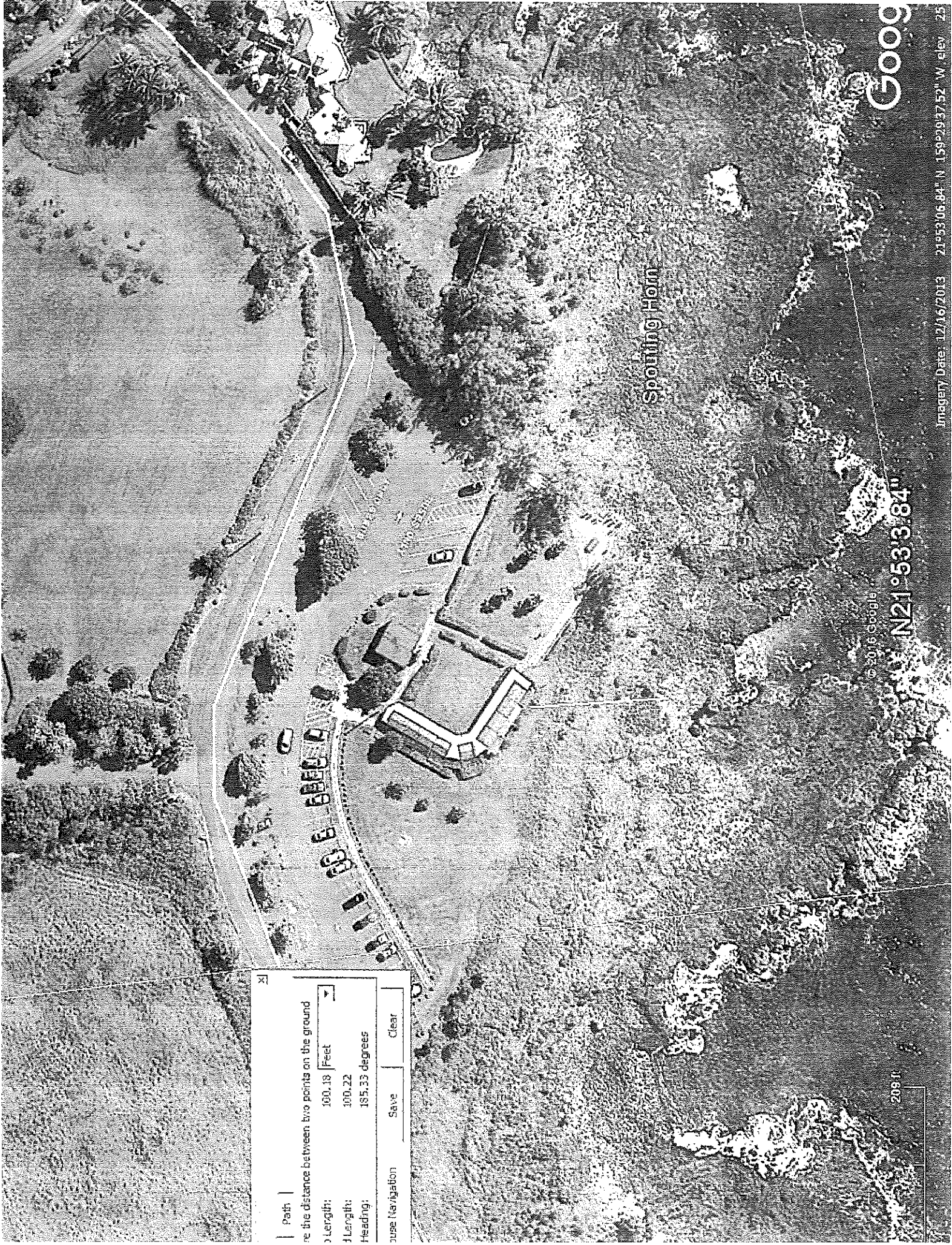
- ☒ Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.
- ☐ Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)

\_\_\_\_\_  
Planning Director or designee

6/2/17  
\_\_\_\_\_  
Date

- ☒ Additional comments/conditions:

Doesn't meet reqs. for exempt. #1 - Changed to #2



Path

Measure the distance between two points on the ground

Length: 100.18 Feet

Length: 100.22

Heading: 185.33 degrees

Use Navigation

Save

Clear

Spouting Horn

Google

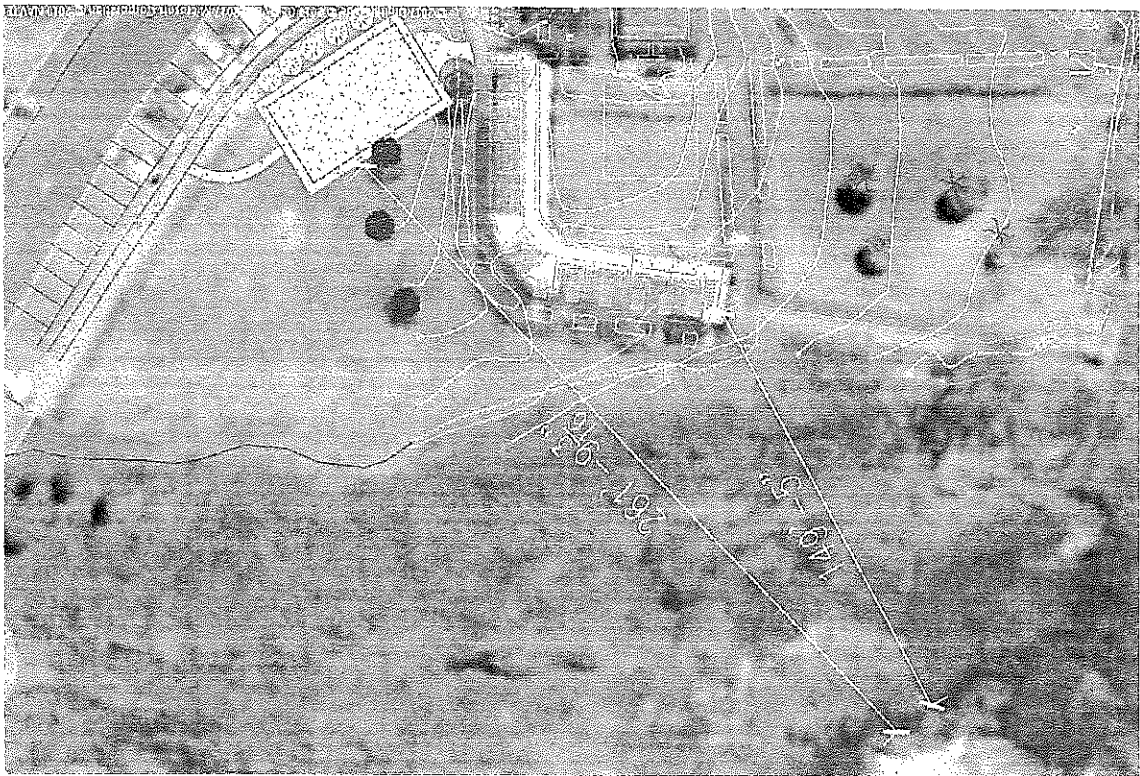
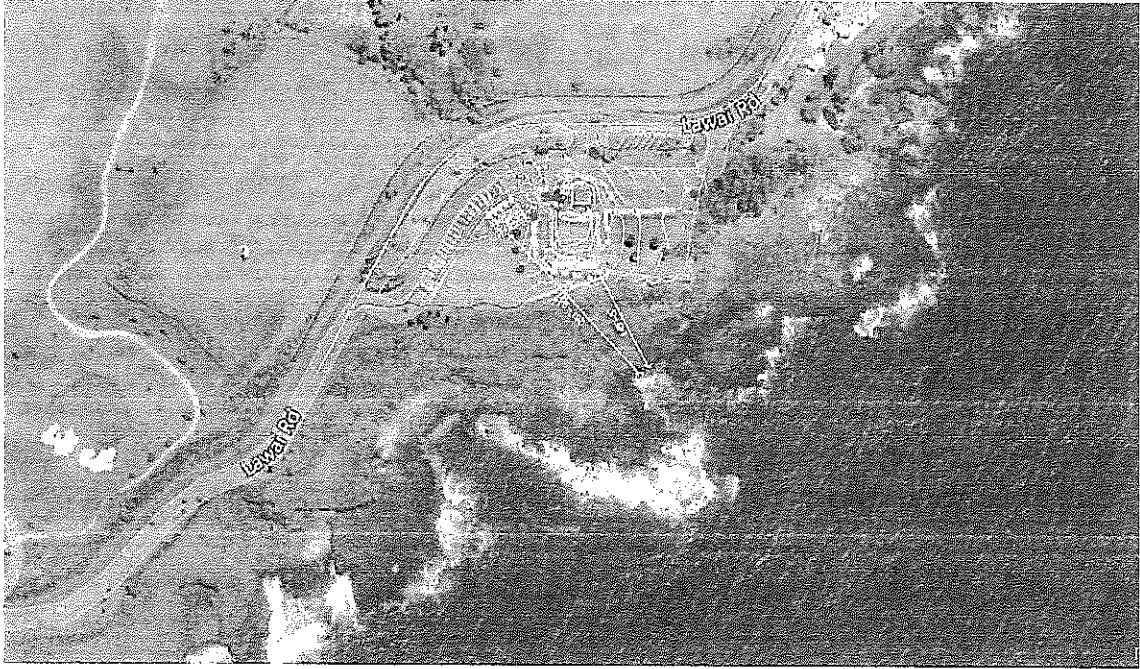
© 2016 Google

N21°53'3.84"

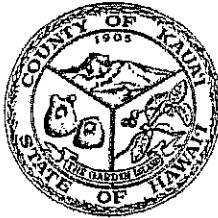
209 ft

Imagery Date: 12/16/2013 21°53'06.84" N 158°29'37.52" W elev 25





**Bernard P. Carvalho, Jr.**  
Mayor



**Leonard A. Rapozo, Jr.**  
Director

**Wallace G. Rezentes, Jr.**  
Managing Director

**Ian K. Costa**  
Deputy Director

**DEPARTMENT OF PARKS & RECREATION**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 105, Lihue, Hawai'i 96766  
TEL (808) 241-4460 FAX (808) 241-5126

May 18, 2017

Michael Dahilig, Director  
Planning Department  
County of Kaua'i  
4444 Rice Street  
Lihue, HI 96766

Dear Mr. Dahilig:

SUBJECT: SSD and SMA Application  
Spouting Horn Park  
Lawai, Koloa, Kaua'i  
TMK: (4) 2-6-003:058

This is to confirm that the County of Kauai, Department of Parks and Recreation, authorizes Palms Hawaii Architecture LLC to service as our agent in the process of Building and Zoning Permit applications for our property located at 4370 Lawai Rd. Koloa, Kaua'i Hawaii and further identified by TMK (4) 2-6-003:058.

Sincerely,

Leonard A. Rapozo Jr.  
Director, Department of Parks and Recreation



PALMS HAWAII  
ARCHITECTURE

2970 Kele Street #115 Lihue HI 96766  
(808) 246-4796 www.palms-hawaii.com

May 2, 2017

TO: Tom H. Shigemoto, Vice President, Kauai A&B Properties:

RE: Shoreline Survey Request

TMK: (4) 2-006-003:019 (Spouting Horn)

We are currently working on improvements for County of Kauai Parks and Recs Division with regards to Spouting Horn Concession Booths. The county Planning Department has asked for a shoreline survey. I am requesting your permission to access the property located at Tax Map Key (4) 2-006-003:019 (Spouting Horn) to allow a licensed land surveyor or engineer to conduct a shoreline survey. Would A&B Properties be receptive to allow this access?

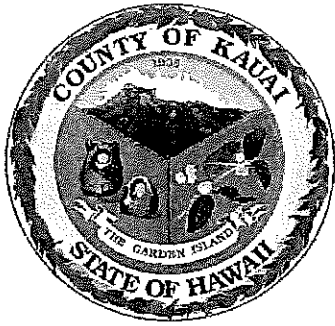
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Jon Lucas  
Palms Hawaii Architecture LLC

*Access denied*  
*nl*  
*SVP, A&B*  
*5.2.17*

**FILE TOO LARGE TO SCAN**

**RECORD ON FILE AT PLANNING  
DEPARTMENT**



## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

### FOR OFFICIAL USE ONLY:

SSD 201 7 - 58

Acceptance Date:	6.2.17
Website Posting Date:	6.6.17
Determination Date:	6.2.17
Planning Commission Date:	6.13.17
Expiration Date:	6.13.20
Planner Assigned:	JG/AW

**Instructions:** File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know that your parcel will require a Certified Shoreline Survey, due to the proximity to the shoreline. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	<u>AREN SCOTT</u>
Mailing Address:	<u>350 EAST MOUNTAIN DRIVE</u> <u>SANTA BARBARA CA 93108</u>
Phone:	<u>808 635 0039</u>
Email:	<u>KAUAIAREN@gmail.com</u>
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an <b>unexpired and recorded</b> lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent *	Attach Letter of Authorization <u>IF I AM OFF ISLAND</u> <u>PLEASE CONTACT ROBERT</u>
Transmittal Date:	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	<u>Open</u>
Tax Map Key(s):	<u>4/3/2/5</u>
Land Area:	<u>11 250 SQ FT</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>REPAIR EXISTING ENTRY DECK</u> <u>(ROOF O.K. - LAST ESTIMATE 4,000.00)</u>

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,  
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

### Part A

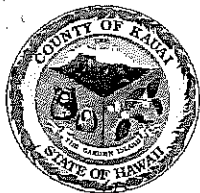
#### Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- Property is Abutting the Shoreline  
☐ Proposed project's approximate distance from shoreline (based on aerial map): \_\_\_\_\_ ft.
- Property is Not Abutting the Shoreline  
☒ Proposed project's approximate distance from shoreline (based on aerial map): 165 ft.  
(ONE HUNDRED SIXTY FIVE)
- Additional Information:  
☒ Shoreline Change (Erosion/Accretion) Rate: 0 \* ft./year SEE ATTACHED MAP  
(Information available here: [www.soest.hawaii.edu/coasts/kauaicontry/KCounty.html](http://www.soest.hawaii.edu/coasts/kauaicontry/KCounty.html)) \* COMMENT:  
☒ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

36' WIDE PAVED ROAD W/AT (MOANAKAI)  
(THAT'S ALL)





# PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

- ☐ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

HOUSELOT IS FLAT. A 5' HIGH BT 100' WIDE  
BURN OF ROAD & VEGETATION IS BETWEEN SHORE,  
\*NOTE PLANS HAVE A SLOPED SIDE PROFILE,

- ☐ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

PAVED ROAD, MIXED VEGETATION & SAND TO TIDE POOL

- ☐ Artificially armored Shoreline

☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): \_\_\_\_\_

☐ Is the armoring permitted/authorized? \_\_\_\_\_

☐ Date of authorization (attach copy of authorization letter): \_\_\_\_\_

- ☒ Is property in coastal floodplain (if checked, what zone)? ZONE "X"

- ☒ Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?

NO (INCLUDING "INIKI")

## PLEASE NOTE:

Any misrepresentation of information in this shoreline setback application will result in revocation of this determination and may result in fines and criminal prosecution.

## Applicant's Signature

Aren Blakely

Signature

5/23/17

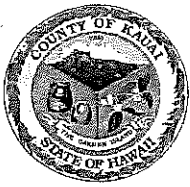
Date

## Applicability (to be completed by Planning Department)

- ☐ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.
- ☐ Setback Determination is NOT necessary. Requirements of Ordinance No. 979 are not applicable.

\_\_\_\_\_  
Planning Director or designee

\_\_\_\_\_  
Date



## PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

### **Part B**

- ☐ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))
- ☐ An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.
- ☐ A detailed Plot Plan to **scale** with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc.
- ☐ Building Permit Number (If building plans submitted)

### **Exemption Determination**

#### ☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

#### ☐ **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

#### ☒ **Exemption 3**

Those structures and uses found exempt in Table 3 (§8-27.7) including repairs and renovations that **DO NOT** enlarge or expand a nonconforming structure. (see pg. 7)

☒ Letter from the Department of Public Works stating that the proposed project does **not** constitute "Substantial Improvement," pursuant to §8-27.2 (If applicable, will require valuation of project)

### **Exemption Determination (to be completed by Planning Department)**

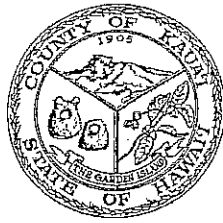
- ☐ Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.
- ☐ Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)

\_\_\_\_\_  
Planning Director or designee

\_\_\_\_\_  
Date

- ☐ **Additional comments/conditions:**

**Bernard P. Carvalho, Jr.**  
Mayor



**Lyle Tabata**  
Acting County Engineer

**Wallace G. Rezentes, Jr.**  
Managing Director

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

May 16, 2017

Aren Blake Scott  
350 E. Mountain Drive  
Santa Barbara CA 93108

Subject: SHORELINE SETBACK APPLICATION  
SUBSTANTIAL IMPROVEMENT DETERMINATION  
AREN SCOTT ENTRY DECK REPAIR  
TMK: (4) 4-5-002:005

Dear Aren Scott;

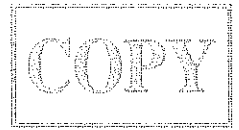
The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 979) Section 8-27.2 defines substantial improvement as "any cumulative series of repairs, reconstruction, improvements, or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure."

The Department of Public Works (DPW) Engineering Division has reviewed the proposed repair work to the existing entry deck. DPW has determined that the proposed improvements does not constitute a substantial improvement. A summary of the calculations follows.

***Market Value***

There were no building permits for the structure within the past 10 years. The market value used in the calculations is the current Replacement Cost New Less Depreciation (RCNLD) value for the structure as determined by the County's Real Property Assessment Division. The 2017 RCNLD was determined to be \$73,100. If the owner chooses to dispute this value, then an appraisal of the structure must be provided at the owner's expense. The appraisal shall be prepared by a professional appraiser licensed in the State of Hawai'i and the market value shall be based on the "Cost Approach" (or Replacement Cost New Less Depreciation).

Aren Scott  
Shoreline Setback Application – Substantial Improvement Determination  
May 16, 2017



***Cost of Improvements***

The total cost of improvements for the proposed repair work to the existing entry deck is taken to be the cost estimate of \$3,700 that was prepared by general contractor Alan Sweat and submitted to the Engineering Division on April 25, 2017.

***Summary***

The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$3,700}{\text{Market Value (Real Property): } \$73,100} = 0.0506 \text{ or } 5.1\%$$

Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial. Based on our records there were no other permits for the structure within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structure must be re-evaluated.

If you have any questions or need additional information, contact Stanford Iwamoto at (808) 241-4896 or [siwamoto@kauai.gov](mailto:siwamoto@kauai.gov).

Sincerely,



MICHAEL MOULE, P.E.  
Chief, Engineering Division

SI/BV

Copy: Design and Permitting  
Planning  
Robert Smith

AREA IN CIRCLE IS FOR DECK REPAIR - TAK 4/5/2002

# Wailua Bay, Kauai, Hawaii

## SHORELINE CHANGE RATES

- Accretion Rate
- Erosion Rate

Historical shoreline positions are measured every 66 ft along the shoreline. These sites are denoted by yellow shore-perpendicular transects. Changes in the position of the shoreline are measured relative to the transect location. Shoreline change rates (ft/yr) at each transect location. Annual shoreline change rates are shown on the shore-parallel graph. Red bars on the graph indicate a trend of beach erosion. Blue bars indicate a trend of accretion. Approximately every fifth transect and bar has been purposely deleted to maintain consistent alongshore spacing. As a result, transect numbering is not consecutive everywhere. The rates are anchored alongshore using a 1-3-5-3-1 technique to normalize rate differences on adjacent transects.

## HISTORICAL SHORELINES

- Feb 1927 T-trench
- Nov 1950
- Mar 1972
- Apr 1979
- Jul 1987
- May 1988
- Sept 1982
- May 1982
- Sept 2000
- Feb 2003
- Oct 2007
- Jan 2008
- Erosion rate measurement locations (shore-normal transects)

Historical beach positions, color coded by year, are determined using orthorectified and georeferenced photographs and National Ocean Service (NOS) data. A low water mark is used as the historical shoreline, or shoreline change reference location (SCRF). Movement of the SCRF along shore-normal transects is measured every 66 ft to be used to calculate erosion rates.

## AREA DESCRIPTION

The Wailua study area (traverses 149-337) is located on the east coast of Kauai. The shoreline is composed of carbonate sand beach interrupted by basalt headlands, hardened shoreline and boulder groins. A hinging reef extends offshore the length of Wailua Beach. The area is exposed to persistent trade winds and rough seas throughout the year.

Overall, the area is experiencing significant erosion at an average rate of 0.9 ft/yr. The coastal beach is divided into four portions. The most northern portion (traverses 149-212) extends south from Wailua Canal to a small exchange canal near transect 212. This section is part of Wailua Beach and has experienced erosion over time with an average rate of 0.5 ft/yr. The rest of Wailua Beach to the south (between 214-297) has experienced erosion at an average rate of 0.4 ft/yr. Between Adcock Point and a boulder revetment to the south is a 600 ft length of beach (traverses 298-337). This section has experienced accretion with an average rate of 0.6 ft/yr. Previous studies<sup>1</sup> found similar trends in shoreline change for the Wailua study area.

<sup>1</sup>Maui Ocean Engineering and Associates, Inc. and Engineering, Inc. Aerial Photograph Analysis of Coastal Erosion in the Wailua, Kauai, Hawaii, and Hawaii. State of Hawaii Office of Coastal Zone Management Program.

MAY 23<sup>rd</sup> 2017

SHORELINE SETBACK KP.

FOR ARLEN SCOTT, OWNER

AS APPLIES TO TAX KEY 4/5/4/5  
(DECK REPAIR)

COMMENT ON PART A ITEM #3

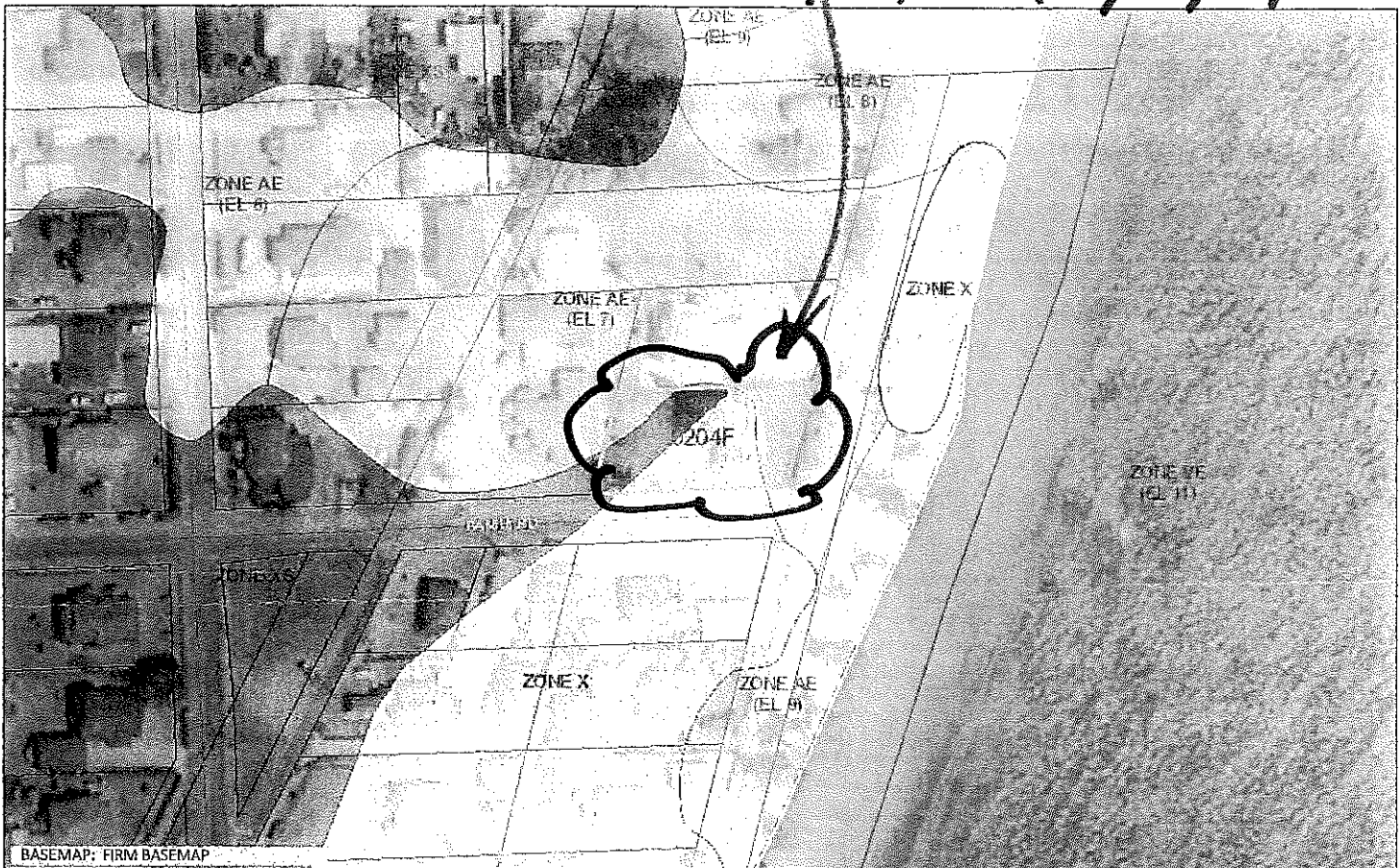
SHORELINE HISTORY SITE WAS  
FOUND. EXCEPT FOR ONE  
BIG JUMP IN 1950, THE COLOR  
LODGE LINES ARE SO CLOSE  
IN THIS AREA WE CANNOT  
DETERMINE MUCH IF ANY  
EROSION OR ACCRETION +/- 10'  
IN MANY YEARS.

SEE ATTACHED COLOR COPY  
OF MAP WITH LITTLE AROUND  
NEIGHBORHOOD IN QUESTION

SINCE R/S



FOR DECK REPAIR, TMK 4/5/2/5



## Flood Hazard Assessment Report

www.hawaiiifip.org

### Property Information

COUNTY: KAUAI  
 TMK NO: (4) 4-5-002:005  
 WATERSHED: WAIKAE  
 PARCEL ADDRESS: 4426 PANIHI RD  
 KAPAA, HI 96746

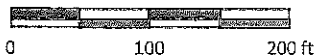
### Notes:

### Flood Hazard Information

FIRM INDEX DATE: NOVEMBER 26, 2010  
 LETTER OF MAP CHANGE(S): NONE  
 FEMA FIRM PANEL: 1500020204F  
 PANEL EFFECTIVE DATE: NOVEMBER 26, 2010

THIS PROPERTY IS WITHIN A TSUNAMI EVACUATION ZONE: YES  
 FOR MORE INFO, VISIT: <http://www.scd.hawaii.gov/>

THIS PROPERTY IS WITHIN A DAM EVACUATION ZONE: YES (KA-0062)  
 FOR MORE INFO, VISIT: <http://dlnrreng.hawaii.gov/dam/>



Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Users/clients are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of its data or information.

If this map has been identified as 'PRELIMINARY', please note that it is being provided for informational purposes and is not to be used for flood insurance rating. Contact your county floodplain manager for flood zone determinations to be used for compliance with local floodplain management regulations.

### FLOOD HAZARD ASSESSMENT TOOL LAYER LEGEND

(Note: legend does not correspond with NFHL)

**SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD** - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

	Zone A: No BFE determined.
	Zone AE: BFE determined. 7'
	Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
	Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
	Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
	Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
	Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

**NON-SPECIAL FLOOD HAZARD AREA** - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

	Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
	Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

### OTHER FLOOD AREAS

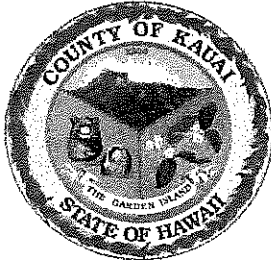
	Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase apply, but coverage is available in participating communities.
--	--





**FILE TOO LARGE TO SCAN**

**RECORD ON FILE AT PLANNING  
DEPARTMENT**



## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201 <u>7</u> - <u>59</u>	
Acceptance Date:	<u>6.2.17</u>
Website Posting Date:	<u>6.6.17</u>
Determination Date:	<u>6.2.17</u>
Planning Commission Date:	<u>NA</u>
Expiration Date:	<u>6.2.20</u>
Planner Assigned:	<u>JK/AW</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant: <u>Agent</u> Kenneth A. Purdy, Architect	<u>/Goeldner - owner</u>
Mailing Address: 3738A Omao Rd., Koloa, HI 96756	Phone: 742-6682
	Email: ken@purdyarchitect.com
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an <b>unexpired and recorded</b> lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District: <u>R-20</u>	Tax Map Key(s): <u>2-6-005: 004-0070</u>
<u>Lawai Beach Resort</u>	Land Area: <u>8.67 A</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>Interior Remodel of a condominium unit</u>

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,  
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

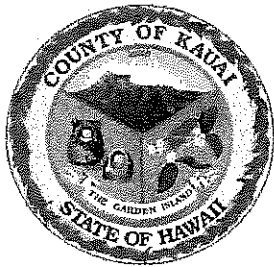
### Part A

#### Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☒ Properties Abutting the Shoreline  
☒ Project's approximate distance from shoreline: 187 FT.
- ☐ Properties Not Abutting the Shoreline  
☐ Project's approximate distance from shoreline: \_\_\_\_\_
- ☒ Additional Information:  
☒ Closest distance of improvement(s) from Shoreline is approximately 187 ft.  
☒ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

A roadway exists between shoreline and this parcel



## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

### FOR OFFICIAL USE ONLY:

SSD 201\_\_ - \_\_

Acceptance Date:	
Website Posting Date:	
Determination Date:	
Planning Commission Date:	
Expiration Date:	
Planner Assigned:	

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

FLAT TO MILD SLOPE

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

SANDY WITH ROCKY OUTCROPPING

- ☒ Artificially armored Shoreline

☒ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): Rock Bulkhead

☐ Is the armoring permitted/authorized? \_\_\_\_\_

☐ Date of authorization (attach copy of authorization letter): \_\_\_\_\_

☐ Is property in coastal floodplain (if checked, what zone)? \_\_\_\_\_

☐ Has this property been subject to coastal hazards in the past? (If checked, please describe)

If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

### Applicant's Signature

Signature

March 21, 2017

Date

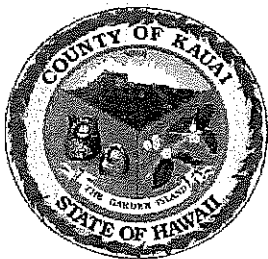
### Applicability (to be completed by Planning Department)

- ☒ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.

Planning Director or designee

6.2.17

Date



## PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

### **Part B**

#### **Exemption Determination**

☒ A non-refundable processing fee of one hundred dollars (\$100.00) shall accompany a request for determination. (§8-27.8(e))

☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☐ **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

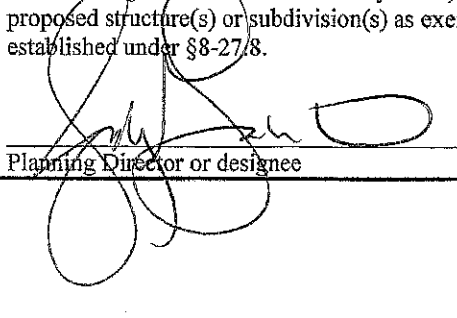
☒ **Exemption 3**

Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)

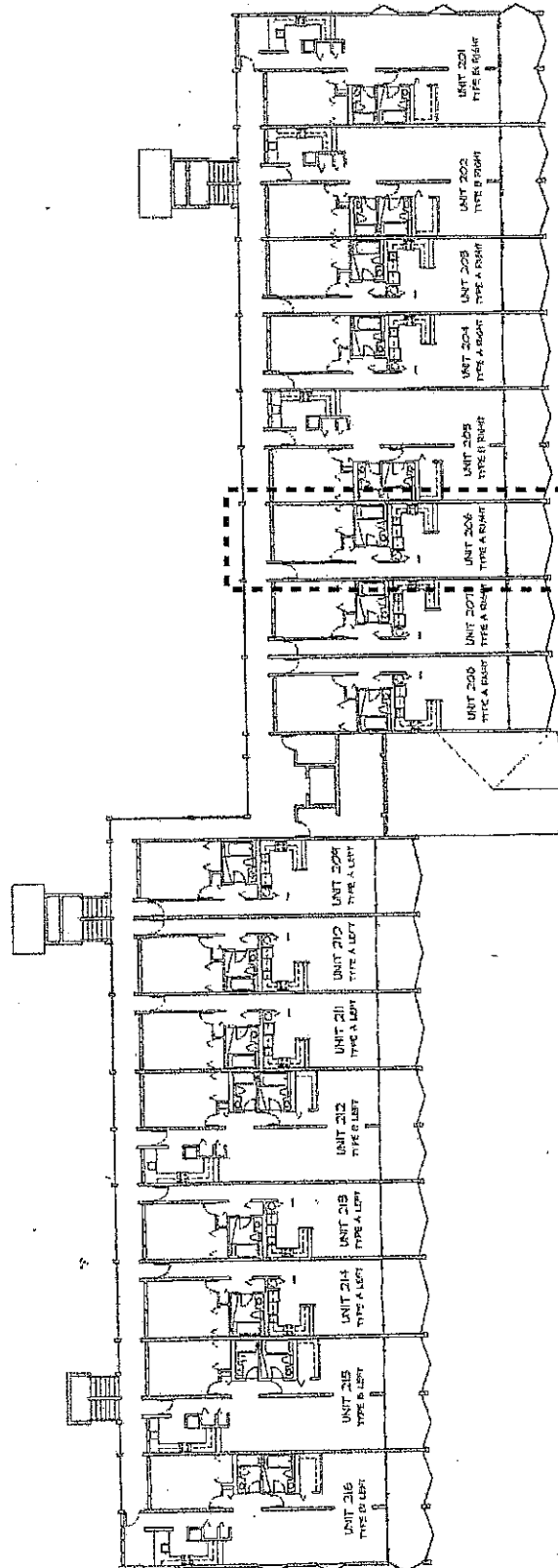
☒ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

#### **Exemption Determination (to be completed by Planning Department)**

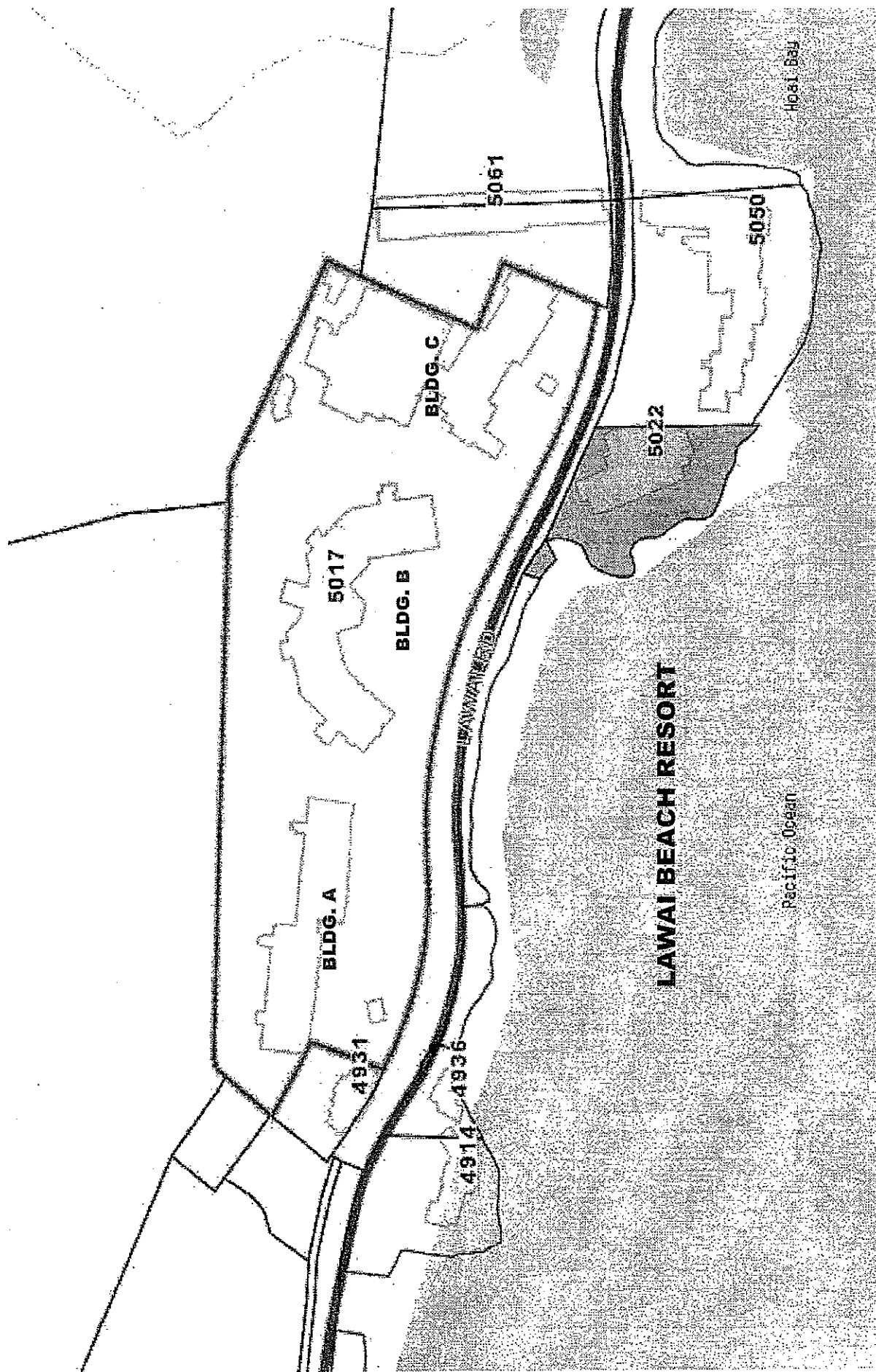
Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

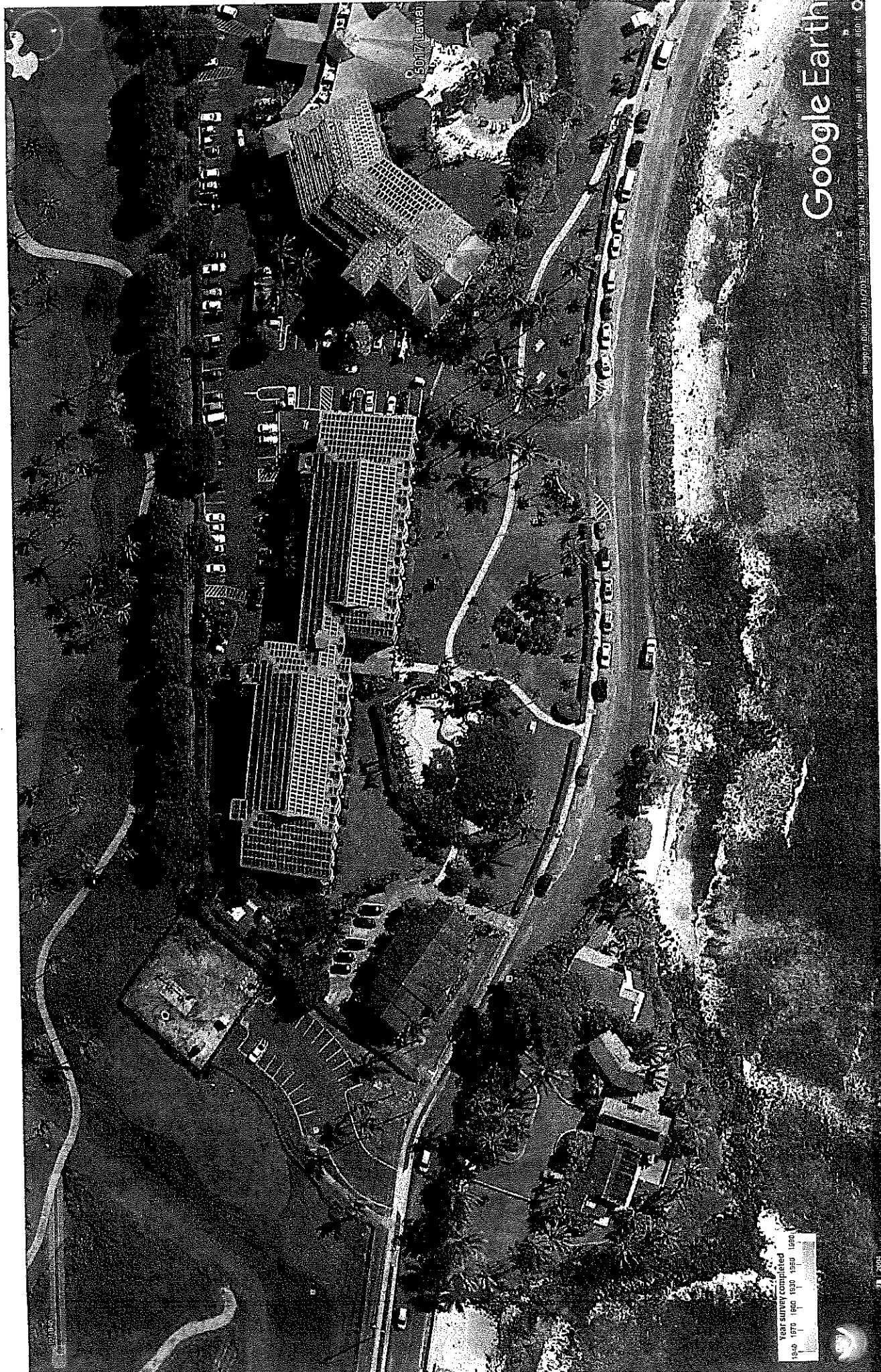
  
Planning Director or designee

  
Date



**LAWAI BEACH RESORT  
BLDG. "A"**



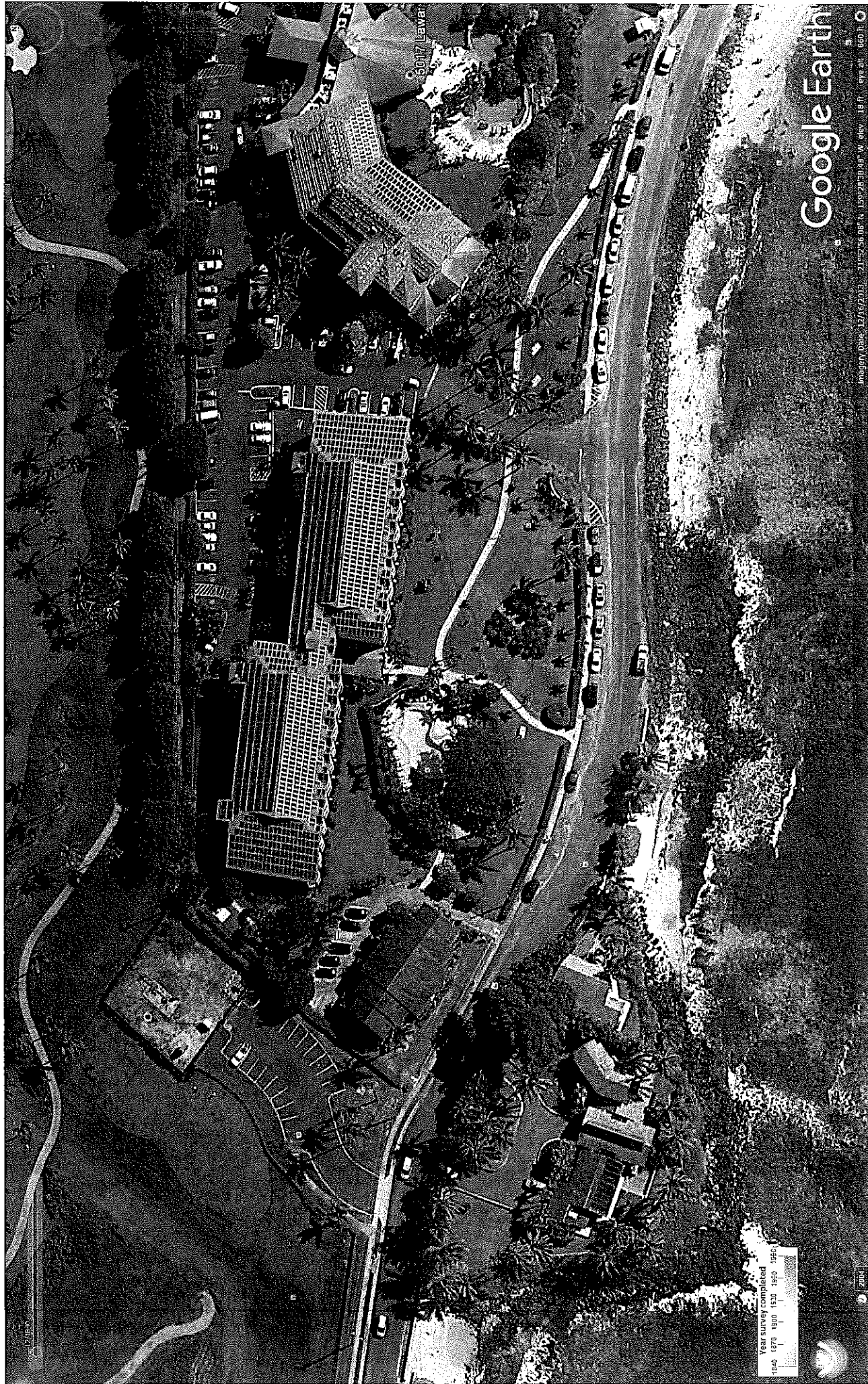


Google Earth

Copyright 2005 Google Inc. All rights reserved. 11/11/2005 11:52:50 AM N 159 20'38.18" W 100 1'57.81" E

Year survey completed 1980  
1980 1975 1970 1965 1960 1955 1950 1945 1940 1935 1930 1925 1920 1915 1910 1905 1900 1895 1890 1885 1880 1875 1870 1865 1860 1855 1850 1845 1840 1835 1830 1825 1820 1815 1810 1805 1800 1795 1790 1785 1780 1775 1770 1765 1760 1755 1750 1745 1740 1735 1730 1725 1720 1715 1710 1705 1700 1695 1690 1685 1680 1675 1670 1665 1660 1655 1650 1645 1640 1635 1630 1625 1620 1615 1610 1605 1600 1595 1590 1585 1580 1575 1570 1565 1560 1555 1550 1545 1540 1535 1530 1525 1520 1515 1510 1505 1500 1495 1490 1485 1480 1475 1470 1465 1460 1455 1450 1445 1440 1435 1430 1425 1420 1415 1410 1405 1400 1395 1390 1385 1380 1375 1370 1365 1360 1355 1350 1345 1340 1335 1330 1325 1320 1315 1310 1305 1300 1295 1290 1285 1280 1275 1270 1265 1260 1255 1250 1245 1240 1235 1230 1225 1220 1215 1210 1205 1200 1195 1190 1185 1180 1175 1170 1165 1160 1155 1150 1145 1140 1135 1130 1125 1120 1115 1110 1105 1100 1095 1090 1085 1080 1075 1070 1065 1060 1055 1050 1045 1040 1035 1030 1025 1020 1015 1010 1005 1000 995 990 985 980 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325 330 335 340 345 350 355 360 365 370 375 380 385 390 395 400 405 410 415 420 425 430 435 440 445 450 455 460 465 470 475 480 485 490 495 500 505 510 515 520 525 530 535 540 545 550 555 560 565 570 575 580 585 590 595 600 605 610 615 620 625 630 635 640 645 650 655 660 665 670 675 680 685 690 695 700 705 710 715 720 725 730 735 740 745 750 755 760 765 770 775 780 785 790 795 800 805 810 815 820 825 830 835 840 845 850 855 860 865 870 875 880 885 890 895 900 905 910 915 920 925 930 935 940 945 950 955 960 965 970 975 980 985 990 995 1000 1005 1010 1015 1020 1025 1030 1035 1040 1045 1050 1055 1060 1065 1070 1075 1080 1085 1090 1095 1100 1105 1110 1115 1120 1125 1130 1135 1140 1145 1150 1155 1160 1165 1170 1175 1180 1185 1190 1195 1200 1205 1210 1215 1220 1225 1230 1235 1240 1245 1250 1255 1260 1265 1270 1275 1280 1285 1290 1295 1300 1305 1310 1315 1320 1325 1330 1335 1340 1345 1350 1355 1360 1365 1370 1375 1380 1385 1390 1395 1400 1405 1410 1415 1420 1425 1430 1435 1440 1445 1450 1455 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10380 10385 10390 10395 10400 10405 10410 10415 10420 10425 10430 10435 10440 10445 10450 10455





Google Earth

Year survey completed  
1940 1970 1980 1990 2000 2010

PROPERTY DATA: 12/16/2013 21:52:58.08° N 155:27:08.98° W 865' 18" N 155:27:08.98° W



Panning Dept.  
County of Kauai  
Lihue, HI

To Whom It May Concern:

As owner of the property known as Lawai Beach Resort, Unit A206, I hereby authorize Kenneth A. Purdy, Architect, to submit plans and receive any records related to the construction project at my residence.

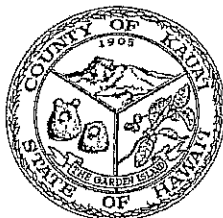


Peter or Joan Goeldner

TMK: 2-6-005-004-0070



**Bernard P. Carvalho, Jr.**  
Mayor



**Lyle Tabata**  
Acting County Engineer

**Wallace G. Rezentes, Jr.**  
Managing Director

17 MAY -9 P2:00

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihue, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

May 4, 2017

Kenneth A. Purdy, Architect  
3738A Ōma'o Road  
Kōloa, HI 96756

Subject: SHORELINE SETBACK APPLICATION  
SUBSTANTIAL IMPROVEMENT DETERMINATION  
BATHROOM & KITCHEN REPAIR, UNIT A206 LAWAI BEACH RESORT  
TMK: (4) 2-6-005:004-0070  
OWNERS: PETER AND JOAN GOELDNER

**PW 04.17.014**

Dear Mr. Purdy,

The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 979) Section 8-27.2 defines substantial improvement as "any cumulative series of repairs, reconstruction, improvements, or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure."

The Department of Public Works - Engineering Division (DPW) has reviewed the proposed bathroom and kitchen alterations for Unit 206 of Building A. DPW has determined that the proposed improvements does not constitute a substantial improvement. A summary of the calculations is provided below.

***Market Value***

There were no building permits approved for the structure within the past ten years. The market value used in the calculations is the current Replacement Cost New Less Depreciation (RCNLD) value for the structure as determined by the County's Real Property Assessment Division. The 2017 RCNLD was determined to be \$8,223,700 for Building A. If the owner chooses to dispute this value, then an appraisal of the structure must be provided at the owner's expense. The appraisal shall be prepared by a professional appraiser licensed in the State of Hawai'i and the market value shall be based on the "Cost Approach" (or Replacement Cost New Less Depreciation).



***Cost of Improvements***

The total cost of improvements for the proposed bathroom and kitchen alterations for Building A is taken to be the cost estimate of \$72,500 that was prepared by Hartsell Construction and dated April 9, 2017.

***Summary***

The cost of improvements for Building A compared to the 2017 RCNLD market value is summarized as follows:

$$\frac{\text{Cost of Improvements (past 10 years): \$72,500}}{\text{Market Value (Real Property): \$ 8,223,700}} = 0.0088 \text{ or } .88\%$$

Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial. Based on our records there were no other permits for these structures within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structures must be re-evaluated.

If you have any questions or need additional information, contact Stanford Iwamoto at (808) 241-4896 or [siwamoto@kauai.gov](mailto:siwamoto@kauai.gov).

Sincerely,

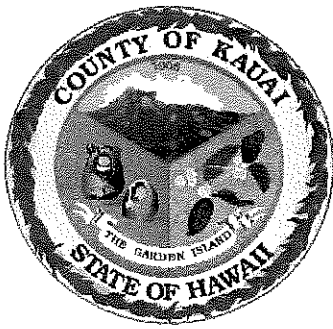
MICHAEL MOULE, P.E.  
Chief, Engineering Division

BV/SI

Copy to:

Design and Permitting  
Planning

AOAO Lawai Beach Resort (5017 Lawai Road, Kōloa HI 96756)



## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201 <u>7</u> - <u>60</u>	
Acceptance Date:	<u>6.2.17</u>
Website Posting Date:	<u>6.6.17</u>
Determination Date:	<u>6.2.17</u>
Planning Commission Date:	<u>NA</u>
Expiration Date:	<u>6.2.20</u>
Planner Assigned:	<u>ilc/AW</u>

**Instructions:** File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know that your parcel will require a Certified Shoreline Survey, due to the proximity to the shoreline. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant: <u>Adam Brown for Troy Snyder</u>	
Mailing Address: <u>5784 Ahakea St</u>	Phone: <u>808 652 9440</u>
<u>Kapaa, Hawaii 96746</u>	Email: <u>bwaybrown@gmail.com</u>
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an <b>unexpired and recorded</b> lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District: <u>Residential</u>	Tax Map Key(s): <u>(4) 5-03-06:006</u>
	Land Area: <u>4,200 SF</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>Interior renovation revision only. Revised Substantial Improvement letter provided.</u>

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,  
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

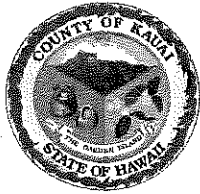
### Part A

#### Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- Property is Abutting the Shoreline  
☐ Proposed project's approximate distance from shoreline (based on aerial map): \_\_\_\_\_ ft.
- Property is Not Abutting the Shoreline  
☒ Proposed project's approximate distance from shoreline (based on aerial map): 70 ft.
- Additional Information:  
☐ Shoreline Change (Erosion/Accretion) Rate: \_\_\_\_\_ ft./year  
(Information available here: [www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html](http://www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html))  
☒ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

Princeville Development Corp has a remnant parcel along beach and then Anini Road fronts the property.



## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

Flat

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

Beach with road in front of residence

- ☐ Artificially armored Shoreline

☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): \_\_\_\_\_

☐ Is the armoring permitted/authorized? \_\_\_\_\_

☐ Date of authorization (attach copy of authorization letter): \_\_\_\_\_

- ☒ Is property in coastal floodplain (if checked, what zone)? VE

- ☐ Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?

### PLEASE NOTE:

Any misrepresentation of information in this shoreline setback application will result in revocation of this determination and may result in fines and criminal prosecution.

Applicant's Signature

Adam Brum

Signature

5.4.17

Date

### Applicability (to be completed by Planning Department)

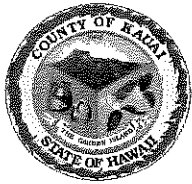
- ☒ **Setback Determination necessary.** Requirements of Ordinance No. 979 are applicable.

- ☐ **Setback Determination is NOT necessary.** Requirements of Ordinance No. 979 are not applicable.

[Signature]  
Planning Director or designee

6.2.17

Date



## PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

### **Part B**

- ☒ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))
- ☒ An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.
- ☒ A detailed Plot Plan to **scale** with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc.
- ☒ Building Permit Number (If building plans submitted)

#### **Exemption Determination**



##### **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

- (A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;
- (B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;
- (C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and
- (D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.



##### **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.



##### **Exemption 3**

Those structures and uses found exempt in Table 3 (§8-27.7) including repairs and renovations that **DO NOT** enlarge or expand a nonconforming structure. (see pg. 7)

- ☒ Letter from the Department of Public Works stating that the proposed project does **not** constitute "Substantial Improvement," pursuant to §8-27.2 (If applicable, will require valuation of project)

#### **Exemption Determination (to be completed by Planning Department)**



Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.



Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)

\_\_\_\_\_  
Planning Director or designee

6/12/17  
\_\_\_\_\_  
Date



**Additional comments/conditions:**

SNYDER RESIDENCE  
4111 ANINI ROAD  
KILAUEA, KAUAI, HAWAII 96754  
TMK: (4) 5-03-06 LOT 3



**Bernard P. Carvalho, Jr.**  
Mayor



**Lyle Tabata**  
Acting County Engineer

**Wallace G. Rezentes, Jr.**  
Managing Director

**DEPARTMENT OF PUBLIC WORKS**  
**County of Kaua'i, State of Hawai'i**  
4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

Deputy County Engineer

April 28, 2017

Troy Snyder  
4131 NW Thunder Crest  
Portland, OR 97229

Subject: SHORELINE SETBACK APPLICATION  
SUBSTANTIAL IMPROVEMENT DETERMINATION (REVISED)  
TROY SNYDER TOTAL ROOF + INT REMODEL  
TMK: (4) 5-3-006:006, Lot 3

Dear Mr. Snyder,

This Substantial Improvement Determination (SID) supersedes the SID provided to you by letter dated November 4, 2016. The cost of improvements used in this SID has been revised to \$95,819.31 and is based on the cost estimate provided by Silliman Construction dated April 13, 2017. The cost estimate was revised based primarily on the following changes to the scope of work:

- Removal of permitting costs
- Addition of bathroom fixtures
- Addition of interior drywall
- Installation of plywood subfloor and removal of carpeting
- Additional carpentry work

***Market Value***

The market value used in the SID calculations is from the appraisal completed by Andrew Vea of Kaua'i Appraisals, Inc. The market value of the real property is estimated to be \$194,114.

***Cost of Improvements***

The cost of improvements is the amount listed in the cost estimate prepared by Silliman Construction, Inc. dated April 13, 2017. A copy of the cost estimate is attached. Because the estimate was specific in types and costs for certain materials that are to be used, we will inspect the construction for compliance with the cost estimate as part of the building permit's final inspection.



Troy Snyder  
Substantial Improvement Determination (Revised)  
April 28, 2017

***Determination***

The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$95,819.31}{\text{Market Value (Appraisal "Cost Approach"): } \$194,114} = 0.494 \text{ or } 49.4\%$$

Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial.

Please note that the SID is calculated over a ten year period. The amount remaining that can be used for improvements to the building is \$1,237 for the 10 year term that will end in April of 2027.

We are providing a copy of this letter to both the Planning Department and the Building Division. If you have any questions or need additional information, contact Stanford Iwamoto at (808) 241-4896 or [siwamoto@kauai.gov](mailto:siwamoto@kauai.gov).

Sincerely,



MICHAEL MOULE, P.E.  
Chief, Engineering Division

SI/BV

Copy: Design and Permitting  
Building Division (Leolynne Escalona)  
Planning (Jody Galinato)  
Silliman Construction, Inc.  
Adam Brown

**ADAM BROWN ARCHITECTURE**

3145a Akahi St., Lihue, Kaua'i, Hawai'i 96766  
Phone: (808) 652-9440 • Email: Bwaybrown@gmail.com

Troy Snyder  
4111 Anini Road  
Kilauea, Hi. 96754

July 15, 2015

Department of Planning & Building Division  
County of Kauai  
4444 Rice Street  
Lihue, HI 96766

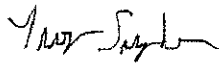
SUBJECT: Agent Authorization  
TMK (4) 5-3-06:06  
4111 Anini Road  
Kilauea, Hi. 96754

To whom it may concern:

Authorized representative pertaining to the property at the above TMK is:

Adam Brown  
**ADAM BROWN ARCHITECTURE llc**  
3145 a Akahi St.  
Lihue, HI 96766  
voice: 652-9440  
email: bwaybrown@gmail.com

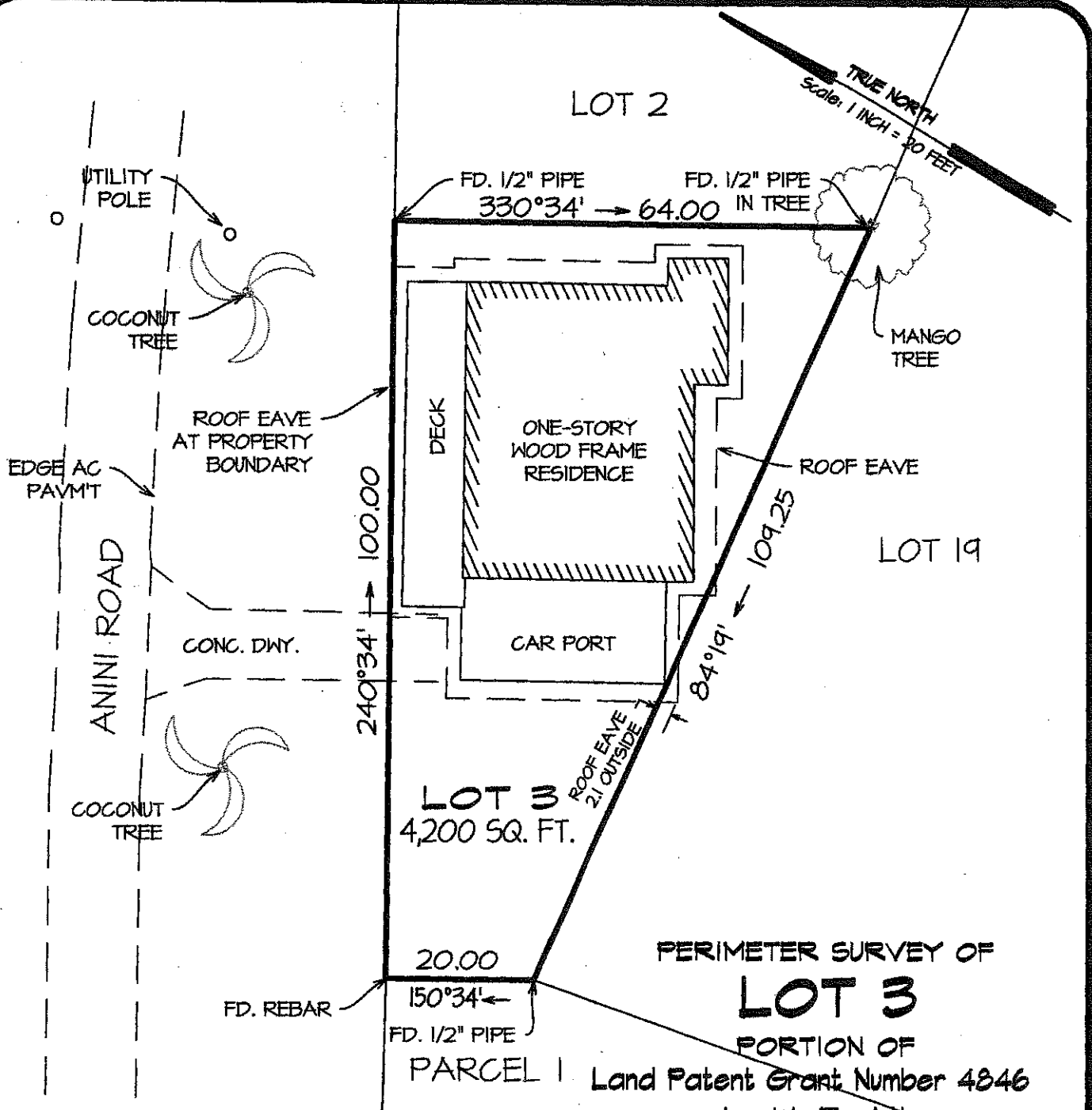
Client Name



7/21/2015

Property Owner/Manager

Date



Prepared for:

Beatrice R. Littlejohn  
c/o Roberta R. Charles  
Coldwell Banker Makai Properties  
1941B Polpu Road  
Koloa, HI 96756

February 2, 2015

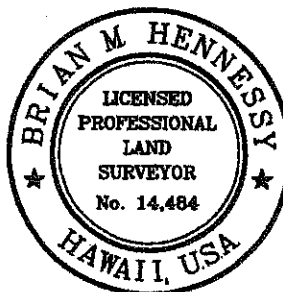
NOTES:

1. FEATURES SHOWN HEREON REPRESENT CONDITIONS EXISTING ON DECEMBER 30, 2014.



**Honua Engineering, Inc.**  
P.O. Box 851 Hanalei, HI 96714 (808) 826-7256

TMK (4) 5-3-06:06



THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION

*B. Hennessy*

**BRIAN M. HENNESSY**  
Licensed Professional Land Surveyor  
Certificate No. 14,484 EXP. 4/30/16

PROJECT NO. 5410

## ADAM BROWN

5784 Ahakea St. Kapaa Hawai'i 96746  
Phone: (808) 652-9440 • Email: Bwaybrown@gmail.com

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17 MAY 15 2017

### TRANSMITTAL

DATE: May 15, 2017  
TO: Jodi Galinato  
FROM: Adam Brown  
SUBJECT: Second Shoreline Setback application  
Non Substantial Determination Letter  
for Troy Snyder 4111 Anini Road

### CONTENTS

Date	Copies	Description
05.04.17	1	Shoreline Setback Part A+B Exemption 3
05.04.17	1	\$100 check
05.04.17	1	8x11 Google Map exhibit showing location of construction and distance to shoreline less than 500' with notation.
04.28.17	1	Substantial Improvement Determination (Revised)
07.15.15	1	Signed Architects representative letter
02.02.15	1	8X11 Site Plan Honua Engineering
05.15.17	1	11x17 original submit permit site plan w notation

Aloha Jodi, here is the application that we discussed. I have included a copy of the determination letter from Engineering that I received last week.

Please let me know if you need anything further.

Mahalo,



Adam Brown